



145 Terminal Disclaimer
PTO/SB/26 (10-00)

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number

2100632-991122

In Re Application of: Janet Wasowicz

Application No.: 09/939,014

Filed: August 24, 2001

For: Cognitive Concepts, Inc.

The owner*, Cognitive Concepts, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,299,452. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

☒ Customer Number or Bar Code Label

(Insert Customer No. or Attach Bar Code label here)

26379
Respectfully submitted,
PATENT TRADEMARK OFFICE

GRAY CARY WARE & FREDENRICH LLP

Dated:

July 19, 2002

By:

Timothy W. Lohse
Reg. No. 35,255
Attorneys for Applicant(s)
1755 Embarcadero Rd.
Palo Alto, CA 94303
650-320-7426

☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

I hereby certify that this correspondence is being
deposited with the United States Postal Service with
sufficient postage as FIRST CLASS MAIL in an envelope
addressed to: Commissioner of Patents & Trademarks;
Washington, DC 20231.

July 19, 2002
Date

Gregory J. Pittman
Signature

RECEIVED
JUL 25 2002
TC 3700 MAIL ROOM
55-00 00
07/24/2002 55A00000 09939014
02 FC:246